

## CHAPTER CXVIII.

March 5, 1868.*An Act granting certain persons the right to manufacture and sell Gas in the City of Rochester.*

- SECTION 1. In whom right granted for the manufacturing and selling of gas—to run for the period of twenty years—not to interfere with the rights of any individual manufacturing gas for own use.
2. Said Company granted right of way through streets and alleys.
  3. When to meet for organization.
  4. On questions regarding expenditures of money to be decided by a two-thirds vote—duty of Treasurer in case a party fail to comply with such decision.
  5. Within two years to have at least one-half mile of pipe laid.
  6. City authorities to have power to make contract for supply of gas for public use.
  7. In case city desire, at the expiration of said term, to purchase said franchise, by whom value to be appraised.
  8. In case said city decline to purchase, said charter extended twenty years longer.
  9. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. John R. Cook, C. H. Chadbourn, J. B. Clark, A. R. Williams, C. C. Cole, Asahel Smith, and E. C. Cross, and their heirs, executors, administrators and assigns, shall for the period of twenty years from and after the passage of this act, have the exclusive right and privilege of manufacturing and selling gas, to be made from coal and other material, for the purpose of lighting the city of Rochester, and the streets, avenues, lanes, alleys and squares of said city, and to adopt any other means necessary to furnish gas to any inhabitants of said city, it being understood that this law is not to interfere with the private rights of any person to light his or her house or manufactory, with gas manufactured by himself or herself for that purpose.

SEC. 2. The said parties, their executors, administra-

Right granted to sell gas—for what period—not to interfere with individual rights.

tor or assigns, shall have the right by themselves or their employees, to enter upon the streets, avenues and alleys of said city, and to dig up the same, and may use such means as may be necessary to lay the gas pipes through the same, but to do such work in the manner that will cause the least inconvenience to the citizens of said city. Right of way.

SEC. 3. That said parties shall within six months from the passage of this act, meet in the city of Rochester, and organize themselves into a gas company, for the purpose of carrying out the intentions of this act, and shall adopt such rules and regulations as shall to them seem proper. When to organize.

SEC. 4. That in all questions regarding expenditure of money, and of raising the same by assessment, of the purchase or sale of real estate, or of making improvements in said works, a two-thirds majority of the interest in the said franchise hereby granted, shall have full power and authority to decide. And should any one fail to pay any assessment made upon him by such two-thirds vote, then the treasurer of said company may proceed to sell the interest of such delinquent, upon six weeks notice published in some newspaper printed in the city of Rochester, at public auction in some public place, and out of the proceeds to retain sufficient amount for the payment of said assessment and interest on the same, until the time of such sale and costs of notice and sale, and the remainder if any to pay said delinquent, his assigns or legal representatives. Expenditures to be decided by a two-thirds vote—duty of Treasurer in certain cases.

SEC. 5. It shall be the duty of the company holding the franchise hereby granted within two years after the passage of this act, to lay at least one half mile of gas pipe in said city of Rochester, (unless the time is extended by the city council of said city, or the sale of said gas is not warranted) and to prosecute the work and manufactory of the necessary gas to light said city. To have half a mile of pipe laid within two years

SEC. 6. That the city authorities of Rochester shall have power to contract with said company for such amount of gas as may be thought necessary for public purposes, at the same price that individuals are furnished with the same. City to contract for gas for public use.

SEC. 7. That if, at the expiration of twenty years, the said city desires to purchase said franchise and gas works, the value may be fixed in case the parties cannot agree by the then assessors to be chosen as follows: one by the company, one by the city, the third by the two already chosen, Who to appraise value in case city desire to purchase.

and the price fixed by them or a majority of them, shall be the price at which the city may purchase.

Charter extended in case city decline to purchase.

SEC. 8. Should said city decline to purchase said franchise as aforesaid, then this charter to continue twenty years longer, with the rights, privileges and obligations as aforesaid.

When act to take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

## CHAPTER CXIX.

### *An Act to amend the Charter of the St. Paul Water Company and the amendments thereto.*

February 4, 1868

- SECTION 1. Directors, number of—what to constitute a quorum—how elected—duties of Board of Directors—when act may be deemed void.
2. Fire plugs to be built by the Company when so directed by a vote of the City Council—compensation therefor how determined.
  3. In case the city desire to purchase said water works after the expiration of said charter, by whom value to be appraised.
  4. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section three, of the act of the legislative assembly of the late territory of Minnesota, entitled "an act to incorporate the St. Paul water company," approved May twenty-third, one thousand eight hundred and fifty-seven, as amended by the act of the legislature of the state of Minnesota, approved March twenty-first, one thousand eight hundred and sixty-five, be and the same is hereby amended so as to read as follows:

(Sec. 3). That the directors of said company shall consist of five persons to be chosen annually by the stockholders, a majority of whom shall constitute a quorum for the